

REMARKS

Claims 51, 54-55, 57 and 63-64 are pending in the present application. Claims 1-50, 52-53, 56 and 58-62 have been canceled. Claims 51, 55, 57, and 63 are independent.

The claims have been amended to clarify the invention and to correct minor informalities according to U.S. patent practice. These modifications do not add new matter and are fully supported by the original disclosure, for example, paragraph [0048] of the specification and Figure 8.

35 U.S.C. § 112 Rejection

Claim 53 has been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Without acquiescing to any of the Examiner's allegations made to reject this claim, but to expedite prosecution, claim 53 has been cancelled. Thus, this rejection is moot and should be withdrawn.

35 U.S.C. § 102 and 103 Rejection

Claims 59-62 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Fukasawa (U.S. 6,615,363). Claims 51-53, 55-58, 63 and 64 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukasawa (U.S. 6,615,363) in view of Ito et al (U.S. 5,404,357; hereafter Ito). These rejections are respectfully traversed.

Without acquiescing to any of the Examiner's allegations made to reject these claims, but to expedite prosecution, claims 59-62, 52-53, 56, and 58 have been canceled. Thus, the rejections pertaining to these claims are moot and should be withdrawn.

Regarding independent claim 51, this claim has been amended to further emphasize the features associated with the 'finalization of the recording medium,' which is a term having specific meanings known in the art. For instance, claim 51 now recites that "(c) updating the first and second management information based on the steps (a) and (b) until the recording medium is to be finalized" and "(d) writing, at finalization of the recording medium, the updated first and second management information written in the first management area onto the second

management area, wherein during the writing step (d) the updated second management information is modified to include a location of the first management information written in the second management area.” For instance, at the finalization of the recording medium, both the first and second management information recorded in the first management area is now written to the second management area, but at this time, the second management information is further modified to include the current location of where the first management information is now written in the second management area. Other independent claims 55, 57 and 63 recite similar features in a varying scope. These claimed features are clearly absent from the applied art, either taken singularly or in combination thereof.

For example, Fukasawa’s copying step S1300 cannot be equated to the finalization of the recording medium since it lacks the features recited in the step (d) of claim 51 where the second management information is modified to include the location of the first management information written in the second management area. Further, Ito does not overcome these deficiencies of Fukasawa. Ito merely discloses known DMA1 - DMA4 which all have the same management information store therein. In Ito, defects are discovered during a recording/reproducing operation, an SDL in the DMA is directly updated and there is no transfer of management information from a first management area to a second management area at the finalization of the recording medium (e.g., from a temporary defect management area TDFL to a defect management area DMA as in Applicants’ embodied invention). Thus, in Ito, there is no first and second management information as claimed and there are no first and second management areas which are used as claimed at the finalization of the recording medium.

Further since the operations and structures of Fukasawa are completely different from those of Ito, there is no proper motivation to modify Fukasawa in view of Ito to render the claimed invention obvious.

Therefore, each independent claim and their dependent claims (due to the dependency) are patentable over the applied art, and reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

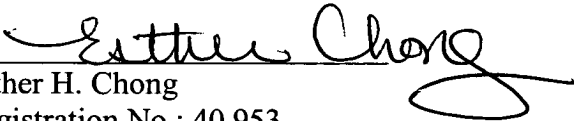
For the foregoing reasons and in view of the above clarifying amendments, the Examiner is respectfully requested to reconsider and withdraw all of the objections and rejections of record, and an early issuance of a Notice of Allowance is respectfully requested.

Should there be any matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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